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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

J.L., a minor by and through his guardian : CIVIL ACTION
and next friend, S.L. :

c/o Stinson Law Associates, P.C. : NO. 01-CV-328
P.O. Box 1340 : (Judge Kane)

Bryn Mawr, Pennsylvania 19010-7340, :

Plaintiffs, :

vs. :

PENNSYLVANIA DEPARTMENT OF :
EDUCATION; EUGENE W. HICKOK, :
JR., Secretary of Education, Pennsylvania :
Department of Education; LAMPETER- :
STRASBURG SCHOOL DISTRICT; :
DONNA WERT, Teacher, Lebanon- :
Lancaster Intermediate Unit #13, Assigned :
to Solanco School District; SOLANCO :
SCHOOL DISTRICT; THOMAS E. :
BRACKBILL, Principal, Solanco School :
District; LANCASTER-LEBANON :
INTERMEDIATE UNIT #13; HUMAN :
SERVICES CONSULTANTS INC; :
JANELLE SWEIGART, Therapeutic :
Support Staff, Human Services :
Consultants, :

Defendants. :

FILED
HARRISBURG

DEC 07 2001

MARY E. D'ANDREA, CLERK
~~Per~~ *gj*
~~DEPUTY CLERK~~

DEFENDANTS, SOLANCO SCHOOL DISTRICT AND
THOMAS E. BRACKBILL'S MOTION TO STRIKE PLAINTIFF'S
MOTION TO DISQUALIFY SWEET, STEVENS, TUCKER & KATZ LLP
AS COUNSEL FOR THE DEFENDANTS, SOLANCO SCHOOL DISTRICT
AND THOMAS E. BRACKBILL

AND NOW, come the Defendants, Solanco School District and Thomas E. Brackbill
(hereinafter collectively referred to as the "District") to present the following Motion to Strike

Plaintiff's Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as Counsel for the Defendants, Solanco School District and Thomas E. Brackbill.

1. On February 22, 2001, the Plaintiff filed a Complaint against the Pennsylvania Department of Education, Eugene W. Hickok, Jr., Lampeter-Strasburg School District, Donna Wert, Solanco School District, Thomas E. Brackbill, Lancaster-Lebanon Intermediate Unit 13, Human Services Consultants, Inc., and Janelle Sweigart. (See, Docket Entry No. 1).
2. The Plaintiff is represented by the Stinson Law Associates, P.C. (See, Docket).
3. The Docket reflects that on February 23, 2001, the Court sent a Special Admission Form to the attorneys for the Plaintiff. (See, Docket).
4. On November 20, 2001, the Plaintiff filed a Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as Counsel for the Defendants, Solanco School District and Thomas E. Brackbill. (Docket Entry No. 15).
5. The Motion to Disqualify and the Brief in support thereof are executed by Phillip Mathew Stinson, Sr.
6. Upon reviewing the Docket Entries in this case, the undersigned concluded that Phillip Mathew Stinson, Sr., had not filed that Special Admission Form which had been sent to him on February 23, 2001.
7. This office contacted the Clerk of Courts for the U.S. District Court for the Middle District of Pennsylvania and was advised that Phillip Mathew Stinson is not admitted to practice in the Middle District of Pennsylvania.

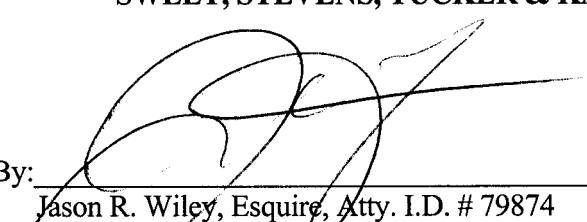
8. On December 4, 2001, the undersigned contacted attorney Stinson who confirmed that he was not admitted to practice in the U.S. District Court for the Middle District of Pennsylvania.
9. The undersigned advised Mr. Stinson that the Defendants, Solanco School District and Thomas E. Brackbill would be filing a Motion to Strike the Motion to Disqualify which had been executed by Mr. Stinson.
10. Mr. Stinson failed or refused to indicate concurrence or non-concurrence with this Motion.

WHEREFORE, the Defendants, Solanco School District and Thomas E. Brackbill respectfully request that Plaintiff's Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as Counsel for the Defendants, Solanco School District and Thomas E. Brackbill be stricken and removed from the Docket and that this Honorable Court order Mr. Stinson to show cause why this matter should not be dismissed and why sanctions should not be imposed upon him for engaging in the unauthorized practice of law.

Respectfully submitted,

SWEET, STEVENS, TUCKER & KATZ LLP

Date: December 6, 2001
By:


Jason R. Wiley, Esquire, Atty. I.D. # 79874
331 Butler Avenue, P. O. Box 5069
New Britain, Pennsylvania 18901
(215) 345-9111

Attorneys for Defendants, Solanco School District
and Thomas E. Brackbill

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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STRASBURG SCHOOL DISTRICT;	:	
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SERVICES CONSULTANTS INC;	:	
JANELLE SWEIGART, Therapeutic	:	
Support Staff, Human Services	:	
Consultants,	:	
	:	
Defendants.	:	

DEFENDANTS, SOLANCO SCHOOL DISTRICT AND
THOMAS E. BRACKBILL'S BRIEF IN SUPPORT OF THEIR MOTION TO STRIKE
PLAINTIFF'S MOTION TO DISQUALIFY SWEET, STEVENS, TUCKER & KATZ
LLP AS COUNSEL FOR THE DEFENDANTS, SOLANCO SCHOOL DISTRICT AND
THOMAS E. BRACKBILL

AND NOW, come the Defendants, Solanco School District and Thomas E. Brackbill (hereinafter collectively referred to as the "District") to present the following Brief in Support of

their Motion to Strike Plaintiff's Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as Counsel for the Defendants, Solanco School District and Thomas E. Brackbill.

I. Factual and Procedural Background

On February 22, 2001, the Plaintiff filed a Complaint against the Pennsylvania Department of Education, Eugene W. Hickok, Jr., Lampeter-Strasburg School District, Donna Wert, Solanco School District, Thomas E. Brackbill, Lancaster-Lebanon Intermediate Unit 13, Human Services Consultants, Inc., and Janelle Sweigart. (See, Docket Entry No. 1). The Plaintiff is represented by the Stinson Law Associates, P.C. (Id.). The Docket reflects that on February 23, 2001, the Court sent a Special Admission Form to the attorneys for the Plaintiff. (Id.).

On November 20, 2001, the Plaintiff filed a Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as Counsel for the Defendants, Solanco School District and Thomas E. Brackbill. (Docket Entry No. 15). The Motion to Disqualify and the Brief in support thereof are executed by Phillip Mathew Stinson, Sr. (Id.). Upon reviewing the Docket Entries in this case, the undersigned concluded that Phillip Mathew Stinson, Sr., had not filed that Special Admission Form which had been sent to him on February 23, 2001. This office contacted the Clerk of Courts for the U.S. District Court for the Middle District of Pennsylvania and was advised that Phillip Mathew Stinson is not admitted to practice in the Middle District of Pennsylvania. On December 4, 2001, the undersigned contacted attorney Stinson who confirmed that he was not admitted to practice in the U.S. District Court for the Middle District of Pennsylvania.

II. Argument

Local Rule 83.8 sets forth the requirement that attorneys seeking to practice in the U.S. District Court for the Middle District of Pennsylvania and the procedures for accomplishing admission. L.R. 83.8. The Rule permits special admission for purposes of only one case or general admission. Id. The Rule allows for the admission of attorneys of good moral and professional character who are members of the bar of the Supreme Court of Pennsylvania, are in good standing in every jurisdiction where they have been admitted, and have neither been disbarred nor are subject to any pending disciplinary proceeding. Id.

In Betz v. L.S.C. Marine, Inc., Civ. A.M.C. No. 92-498, 1992 WL 301252 (E.D. Pa., October 14, 1992), Senior District Judge Fullum considered a case in which, Thomas Lakin, Esquire, the attorney representing the Plaintiff was not admitted to practice in the Eastern District of Pennsylvania. Id. at *1. Lakin filed a Complaint for his client and subsequently a motion for default judgment. Id. Judge Fullum, considering the motion for default judgment wrote, "Neither Mr. Lakin nor, so far as I am aware, any member of his law firm, is a member of the bar of this court or entitled to practice in this court." Id. As a result, Judge Fullum, referring to Mr. Lakin's actions as an "egregious attempt at the unauthorized practice of law", entered an order striking Lakin's motion and ordering Lakin and his firm to show cause "why the action should not be dismissed in its entirety" and "why sanctions should not be imposed upon them for unauthorized practice of law." Id. at *1 and *2.

III. Conclusion

Because attorney Stinson is not admitted to practice law in the United States District Court for the Middle District of Pennsylvania, nor has he requested special admission for the purposes of this litigation, the Defendants, Solanco School District and Thomas E. Brackbill,

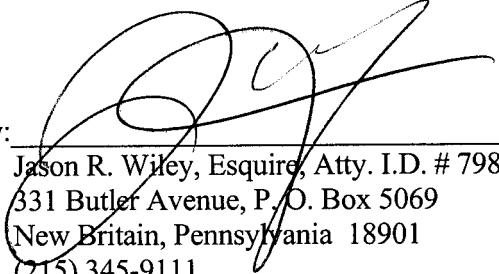
respectfully request that this Honorable Court strike Plaintiff's Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as Counsel for the Defendants, Solanco School District and Thomas E. Brackbill, and order Mr. Stinson to show cause why this matter should not be dismissed and why sanctions should not be imposed upon him for engaging in the unauthorized practice of law.

Respectfully submitted,

SWEET, STEVENS, TUCKER & KATZ LLP

Date: December 6, 2001

By:


Jason R. Wiley, Esquire, Atty. I.D. # 79874
331 Butler Avenue, P.O. Box 5069
New Britain, Pennsylvania 18901
(215) 345-9111

Attorneys for Defendants, Solanco School District
and Thomas E. Brackbill

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

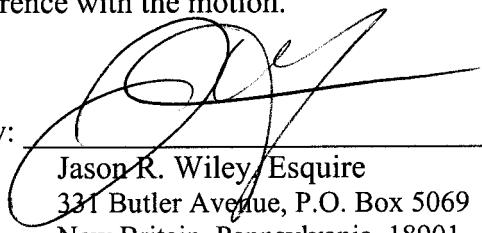
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DONNA WERT, Teacher, Lebanon- Lancaster Intermediate Unit #13, Assigned to Solanco School District; SOLANCO	:	
SCHOOL DISTRICT; THOMAS E. BRACKBILL, Principal, Solanco School District; LANCASTER-LEBANON	:	
INTERMEDIATE UNIT #13; HUMAN SERVICES CONSULTANTS INC;	:	
JANELLE SWEIGART, Therapeutic Support Staff, Human Services Consultants,	:	
Defendants.		

CERTIFICATE OF NONCONCURRENCE

The undersigned counsel hereby certifies that Philip M. Stinson, Sr., Esquire, was contacted to seek concurrence with the Motion to Strike Plaintiff's Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as counsel for Defendants, Solanco School District and Thomas E. Brackbill. Mr. Stinson has not indicated concurrence with the motion.

Date: December 6, 2001

By:


Jason R. Wiley, Esquire
331 Butler Avenue, P.O. Box 5069
New Britain, Pennsylvania 18901
(215) 345-9111
Attorneys for Defendants,
Solanco School District and
Thomas E. Brackbill

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JANELLE SWEIGART, Therapeutic	:	
Support Staff, Human Services	:	
Consultants,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Jason R. Wiley, Esquire, hereby certify that a true and correct copy of the foregoing Motion to Strike Plaintiff's Motion to Disqualify Sweet, Stevens, Tucker & Katz LLP as counsel for Defendants, Solanco School District and Thomas E. Brackbill, was mailed to the following counsel at the following address, via U.S. Mail on this date:

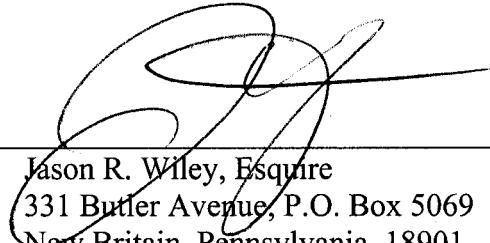
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Date: December 6, 2001

By: 

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Attorneys for Defendants,
Solanco School District and
Thomas E. Brackbill